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Ex Faucibus Fata – *Fate and Destiny in the Ciceronian Oeuvre*

Elisabeth Begemann

Abstract
The paper considers the place of *fatum* in the Ciceronian writings, both philosophy and oratory. I argue that Cicero did not consider the world to be ruled by either an abstract fate or a divine will which predetermined events or human actions. He rather upheld that within a political community, Cicero's experienced *and* ideal *res publica*, man to be fully responsible in all his actions and could therefore not be determined in his actions or words by a higher power. Where he introduces an element of predetermination or destiny, this stands always in direct relationship to the political community.

Zusammenfassung
Der Beitrag beschäftigt sich mit der Bedeutung des *fatum* im Ciceronischen Oeuvre, im Rahmen sowohl der Philosophie als auch der Reden. Es wird hier dafür argumentiert, daß Cicero die Welt weder als von einem abstrakten Schicksal noch einem personalisierten göttlichen Willen beherrscht verstand, in welcher alle Ereignisse und der menschliche Wille bereits im Voraus bestimmt waren und einer Unausweichlichkeit folgten. Vielmehr hielt er daran fest, daß innerhalb einer politischen Gemeinschaft, der realen *und* idealisierten *res publica* Ciceros, jeder Mensch für seine Taten selbst verantwortlich war und diese nicht einer höheren Macht – schicksal oder Götterwille – zuschieben konnte. Wo er mit einem Vorbestimmungsmoment argumentiert, steht dieses immer im Zusammenhang der Gemeinschaft, niemals des Einzelnen.

Keywords
Cicero • *fatum* • destiny • predetermination • divine will • *res publica*

Schlüsselworte
Cicero • *fatum* • Schicksal • Vorbestimmung • göttlicher Wille • *res publica*

Introduction

Quo usque tandem abutere, Catilina, patientia nostra?, the consul Cicero calls in his first oration against Catiline.[1] Not too much longer, it turned out, so that Cicero could open his third oration against the man roughly a month later with the strong words,

> *rem publicam, Quirites, vitamque omnium vestrum, bona, fortunas, coniuges, liberosque vestros atque hoc domicilium clarissimi imperii, fortunatissimam pulcherimamque urbem, hodierno die deorum immortalium summo erga vos amore, laboribus, consiliis, periculis meis e flamma atque ferro ac paene ex faucibus fati ereptem et vobis conservatam ac restitutam videtis.*
> "You see this day, O Romans, the republic, and all your lives, your goods, your fortunes, your wives and children, this home of the most illustrious empire, this most fortunate and beautiful city, by the great love of the immortal gods for you, by my labours and counsels and dangers, snatched from fire and sword, and almost from the very jaws of fate, and preserved and restored to you."[2]

1 Cic. *Cat.* 1.1.
2 Cic. *Cat.* 3.1.

The consul was vigilant and the gods saved Rome and her citizens. All's well as ends well? Hardly so, when one considers that one of the participants to the conspiracy could also claim divine aid and sanction to explain his partaking in the affair:

> *etenim, si P. Lentulus suum nomen inductus a vatibus fatale ad perniciem rei publicae fore putavit, cur ego non laeter meum consulatum ad salute populi Romani prope fatale exstitisse?*" If, indeed, Publius Lentulus, being led on by soothsayers believed that his name was connected by fate with the destruction of the republic, why should not I rejoice that my consulship has taken place almost by the express appointment of fate for the preservation of the republic?"[3]

If Lentulus was chosen by *fatum* to effect the downfall of the *res publica*, how could Cicero also be chosen by *fatum* to save the *res publica* from said downfall? And what are the gods up to in this affair?

The following remarks will analyze the elements of fate and predetermination in the Ciceronian oeuvre. While in the three treatises *de natura deorum*, *de divinatione* and *de fato* the orator turned his philosophical attention to the concept of *fatum* and the way it relates to the gods and to men,[4] the way in which and the moment at which he employs *fatum* or a determining will of the gods in his speeches is equally telling of his world view, of the place men and gods are ascribed in it, and of the scope of human, and divine, free will and responsibility of action.[5]

I will firstly give a brief overview over Cicero's philosophical stance towards *fatum* as considered in his theological writings, and will then introduce the rhetorical circumstances in which he considers *fatum*, divine will or another form of predetermination as relevant factors in the course of events, before offering an explanation of his rhetorical use of the idea of fate or a determining divine will, and the consequences this has on the interpretation of his world view and the place of gods and men in it.

The Sources. The Philosophical Framework

Cicero's philosophical discussion of the *fatum*-problem is comprehensively written up in the treatise *de fato*, composed in 44, though it is by no means contained to the treatise only, as *de natura deorum* and *de divinatione* need also be considered. Ample attention has been paid to the three treatises, together and separately, to their places in Ciceronian philosophy,[6] and, most of all, to the speakers and the role of Cicero himself, who plays different parts in all of the books.[7] In *de natura deorum*, he is the silent witness, in *de divinatione* one of two interlocutors, and in *de fato* the only speaker who presents the full scope of arguments for and reasons against the notion of fate.[8] The three books were meant to be read and consid-

3 Cic. *Cat.* 4.2.
4 *Cf.* Begemann 2012. 2014.
5 On the relevance of free will in the discussion of determinism, *cf.* Frede 2011.
6 *Cf.* Bringmann 1971. MacKendrick 1989. Leonhardt 1999.
7 *Cf.* Schäublin 1985. 1990. DeFilippo 2000 and esp. Beard 1986 and Schofield 1986.
8 A thorough philosophical consideration of the treatise *de fato* within the Stoic framework was presented by Schallenberg 2008.

ered together,[9] they follow Stoic precedent and share a common terminology. Therefore, we may turn to *de divinatione* to provide us with a definition of *fatum*:

> *fatum autem id appello, quod Graeci εἱμαρμένην, id est ordinem seriemque causarum, cum causae causa nexa rem ex se gignat. Ea est ex omni aeternitate fluens veritas sempiterna.* «Now by fate I mean the same that the Greeks call εἱμαρμένη, that is, an orderly succession of causes wherein cause is linked to cause and each cause of itself produces an effect. That is an immortal truth having its source in all eternity.»[10]

The same definition was probably repeated in the first lacuna of the text *de fato*, passed down by Servius;[11] it describes a causal nexus, in which every action and every event is determined by the causes that precede it. Cicero's definition is that of a closed system which excludes the element of chance. The definition as given is fittingly put into the mouth of the Stoic speaker in book 1 of *de divinatione*, as it was the Stoic school who attributed much relevance to the problem and who saw it as central to their theology.[12] Cicero ascribes the part of the Stoic in *de divinatione* to his brother Quintus, while he portrays himself as speaker for the skeptical Academy. In this role, and again as sole speaker in *de fato*, Cicero denies the very existence of fate: it has no power over human lives and the divine realm.[13]

While much has been made of the fact that Cicero the augur seems to deny the possibility of divination *per se*,[14] we find upon closer inspection that that is not the case, as Cicero emphatically upholds divination as a necessary means of communication between gods and men to uphold the social and political order.[15] What he does deny, however, are the conditions under which brother Quintus considers divination:[16] divination, he says, is prediction and foreknowledge of things which seem to *(putantur)* come about by chance. In saying that they »seem« to come about by chance, the Stoic suggests that it is only due to human limitations that the entire chain (or network) of causes remains unrecognized.[17] We do not know and cannot grasp everything that has happened, happens and will happen, therefore we do not know the reason things have happened in the past, happen now and will happen in the future.[18] To events which seem to have no discernable cause, we rather ascribe arbitrariness. However, these things do not happen arbitrarily at all: fate rules them. Marcus Cicero rejects such a definition on logical grounds: if it comes about by chance, how can it be predicted? And if it can be predicted, how can it come about by chance? Marcus Cicero rather reasserts divination which is communication between gods and men, to the exclusion of a future that is already present and determined by forces that are beyond the control of men. Cicero spells out why an open future is so important to him: if everything comes about by chance*, nec laudationes iustae sint nec vituperationes nec honores nec supplicia* - »neither praise nor blame, neither honor nor

9 *Cf.* Wynne 2008. Cic. *div.* 2.3.
10 Cic. *div.* 1.125.
11 Serv. *Aen.* III 376.
12 *Cf.* Bobzien 1998. Brennan 2005.
13 Cic. *div.* 2.18; *fat.* 6.
14 Cic. *div*. 2.8; *cf.* e.g. Goar 1986. Schäublin 1985. Beard 1986. Schofield 1986.
15 Cic. *div.* 2.28.
16 Cic. *div.* 1.9.
17 *Cf.* Bobzien 1998, 304.
18 *Cf.* Cic. *div.* 1.127.

punishment is just.«[19] Under the condition of fate, all moral judgment of human action must be withheld, for there are no grounds on which these actions could be judged.[20] Moreover, if everything is determined by fate and the outcome will always be the same, human action becomes superfluous.[21] Though his position can be philosophically challenged,[22] Cicero has cause for worrying: if all action is null and void, since the outcome must always be the same, what hope is there for men?[23] And, more poignantly, how can a political, socially and morally just community exist under these circumstances?

Cicero's theological writings are directed to supplement his earlier political theory. He writes towards establishing *religio* that is fitting for the ideal community he outlined in *de re publica* and *de legibus*. Since that ideal state and its laws are clearly based on the Roman model, it is hardly surprising that Cicero also strongly draws on Roman cult practices for the outline of his theology. What he needs are divinities that can be approached (hence Epicureanism has no worth, book 1 of *de natura deorum*) and ritually influenced (hence determinism cannot be assumed, book 3 of *de natura deorum*, book 2 of *de divinatione*, and *de fato*). He understands his deities to act always in the best interest of the *res publica*, but just as human action must be free of fate, so also divine action and decision cannot be influenced or determined by a superior, overruling power.[24] *Fatum* cannot be a relevant or effective element in his theology – it is relegated to the realm of *superstitio*, too much and wrong religious practices and opinions.[25]

Its belonging to the realm of superstition is also borne out by the use of the term in the theological triad. While it is defined as a causal nexus, or chain of causes, the overall use is clearly negative. Excepting *de fato*, we find the term being used with strong negative connotations, almost polemically. We also find that the Epicurean and the Academic in *de natura deorum* and again the Academic in *de divinatione* employ the term much more frequently than the Stoics in these treatises do,[26] and these very silences or muted discussions allow the opponents of the fate theory to charge the term as they see fit. Hence it is from the start used rather to describe what »little old women« might believe in, rather than what a Roman would hold true.[27] The term is polemicized, its connotations are carried over even into the technical discussion of the εἱμαρμένη problem. In his philosophy, Cicero's position is clear: he denies the existence of *fatum* outright, upholding the autonomy of man and his being subject only to the will of the gods, which react rather than that they determine human action.[28] Does the same hold true for his orations?

19 Cic. *fat.* 40.
20 Gould 1974.
21 Cic. *fat.* 28. *Cf.* Brennan 2005, 274.
22 *Cf.* Bobzien 1998, 192.
23 Cic. *nat.* 3.14. Kreter 2006, 18.
24 *Cf.* Schubert in this volume.
25 *Cf.* Cic. *div.* 1.7; 2.19.
26 Thirty-five *vs*. fifteen times.
27 Cic. *nat.* 1.18; *div.* 2.19.
28 *Cf.* Begemann 2012, 133f.

Orations

In the oratory, the terms *fatum* and *fatalis* cannot be considered as necessarily carrying the same connotations as in the philosophy. What we do find, however, is that just as the fate doctrine was rejected in the philosophy, so does it also only play a very marginal and minor role in the oratory. Its lack of use is certainly due to genre. With the exception of a few speeches such as *post reditum in Senatu*, *post reditum ad Quirites*, *In Pisonem* and the second Philippic, Ciceronian oratory aimed at effecting decisions. To that end, the orator has to admit to his audience that they are free to make decisions, that whatever they may want to do or not do is in their power. To suggest the opposite is counterproductive to his cause.

The minor role of a determinist argument is evident in the numbers. The term *fatum* is used in the twenty-eight political orations only twenty-one, *fatalis* only twelve times.[29] The number is further reduced in the twenty-seven forensic speeches: *fatum* appears only ten times, *fatalis* only once.[30] Of the total amount of fifty-eight speeches, only twenty-eight include mention of the word *fatum* or *fatalis* – and these are the same speeches which express the thought of predetermination by different means.

The numbers mark the space in which *fatum* or predetermination finds entry: it clearly belongs to the political-public realm, as it is used predominantly in the political speeches and in speeches with political relevance, and much less in others. Again, this is due to genre. Forensic speeches are held to determine, or absolve of, guilt. Those forensic speeches in which Cicero employs the term *fatum* are those which are of political importance, such as the *pro Sestio*, in which the term is used more often than in any other speech (with the exception of the third Catilinarian), and the *pro Milone*, which dwells less on *fatum* than on Milo's destiny of being chosen to serve and save the republic.

The reason will be found in Cicero's political understanding. His own day was marked by men who put their own *dignitas* before that of the *res publica*: Sulla, Pompey and Caesar most of all. Cicero, however, the conservative *homo novus*, always put, or portrayed himself as putting, the *res publica* and its traditional institutions first, seeking his own preeminence within them, i.e., as a high-ranking member of the senate which held shared power, but was not dominated by a single figure. Where Cicero speaks of *fatum* or destiny, such predetermination can only apply to the collective. To ascribe fate or destiny to the individual would only serve to lift that individual above his peers, marking him out. But that must either be avoided or only applied in such cases in which reference to the *res publica* is obvious.

In contrast to the philosophy, where *fatum* is defined as the causal nexus, a meaning from which it only deviates to speak of *fata*, oracles,[31] Cicero makes full use of the broad scope of meaning of the term in the orations. It is hardly ever used as the equivalent of εἱμαρμένη, but draws on the vast canvas of meanings that can be assigned to it, often leaving the reading and meaning of the term up to the audience.

29 Cic. *Cat*. 2.11. 3.1. 3.9. 3.20. 3.17. 4.8; *PRinS* 4; *PRadQ* 19; *dom*. 145; *har. resp*. 6. 18; *Pis*. 9. 82; *Phil*. 1.10. 2.1. 2.11. 3.29. 3.35. 5.39. 6.19. 9.9. 10.14. 10.19f. 12.30. 13.30. 13.33. 13.45.

30 Cic. *Verr*. 1.29. 2.2.8. 2.5.152; *Font*. 45; *Sest*. 17. 47. 72. 93; *Cael*. 79; *Balb*. 58; *Mil*. 30.

31 And that only either in reference to poetry or before the term is defined as the causal nexus and the Latin expression of εἱμαρμένη. For the orations, cf. *Cat*. 3.8; *Sest*. 47 with Pötscher 1978.

It can denote destiny without a connotation of prophecy,[32] being brought about by decision or precedence.[33] In these instances, each instance denotes an actor being determined, being meant to do or to be something, and in each case that assignation is ascribed to the individual – but in each case, the *res publica* and its well-being and preservation is the relevant factor that makes the use of the term *fatum* appropriate. On the other hand, we also find much more negatively connotated meanings of the term, in which *fatum* is used as synonymous with »end« or »death«,[34] or even »danger« and »destruction«,[35] or a threat which surrounds the *res publica*.[36]

While in these instances, the use and meaning of the term is fairly obvious, there are others which are less clear.[37] In these instances, Cicero allows his audience to decide on the meaning of the term, to decide whether he speaks of predetermination, a causal chain, or a great ill; either is possible. Cicero employs the full range of meaning of the term, ranging from positive destiny to disastrous calamity, the reading always depending on the context in which the term is used. The range of *fatalis* is almost as wide, though ›calamitous‹ is here the more common meaning, while ›destined‹ is another, but less frequent reading. The negative content is frequently obvious,[38] though Cicero again makes full use of the scope of the term, playing with its different meanings.[39]

However, Cicero also assigns predetermination or destiny without recourse to either term or concept of *fatum* or *fatalis*. In these instances, he ascribes it to the gods, formulated as *deorum immortalium beneficium*, and marking certain men as *rei publicae natus*, such as Milo,[40] Paullus[41] and Metellus,[42] whom Cicero describes as being born for the *res publica*, the *patria* or the empire. To the Romans as a people, Cicero also ascribes a collective destiny and purpose: they were born to be free and born for glory: *ad decus et ad libertatem nati sumus*.[43]

Cicero takes this ascription of fates another step further when he clearly names the purpose to which a man was born. Pompey, he says, was born to end all wars,[44] Brutus was born to liberate the *res publica* from tyranny.[45] Considering Brutus, we also find an interesting contrast to Octavian: while Brutus was born to his destiny *(ad natus)*, Octavian is continually proclaimed as *deorum immortalium beneficium*. Could it be a conscious echo of his status as *divi filius*? Hardly, for Cicero scoffed at the idea of a deified Caesar.[46] We rather find that he repeatedly terms certain situations or unexpected events as ›gifts of the gods‹, such as the defection of the Fourth and Mars legions to the senate. To speak of *deorum immortalium beneficia* rather stresses the unexpectedness of the turn of events, a true gift that has not been asked for and

32 Cic. *Mil.* 30.
33 Cic. *Phil.* 2.1 and 13.30 (Cicero) and *Phil.* 10.14 (Brutus).
34 Cic. *Cael.* 79; *Phil.* 12.30; cf. Varr. *ling. Lat.* 6.52.
35 Cic. *Cat.* 3.1; 4.2.
36 Cic. *Phil.* 10.20.
37 E.g. Cic. *Phil.* 2.11; 5.39.
38 E.g. Cic. *Cat.* 3.8; *Sest.* 17.
39 E.g. Cic. *Cat.* 4.2; *Har. resp.* 6.
40 Cic. *Sest.* 89. *Mil.* 104.
41 Cic. *Vat.* 25.
42 Cic. *Cael.* 59.
43 Cic. *Phil.* 3.36. *Cf.* also *Phil.* 3.29. 35
44 Cic. *Manil.* 42.
45 Cic. *Phil.* 3.8; 6.9; 10.14.
46 Cic. *Phil.* 2.111.

has not been expected. It does not refer to a divine family tree. The only peculiar aspect of Octavian being termed a gift of the gods is that he is the only individual who is described thus. All other instances refer to collectives, things or events.

In trying to answer the question of the source of destiny or predetermination in whatever form uttered, we find an easy answer only for *deorum immortalium beneficia*: these were clearly given, and therefore determined as such, by the gods, in which case the gods act as determining powers in these respects. However, we cannot say the same for most other instances. Concerning the use of the term *fatum*, we will find indeed only few instances in which *fatum* may be understood as identical with divine will, for example *Har. resp.* 6, when speaking of Scipio *(fatalis)* and Milo *(quasi divino munere donatus rei publicae)*. The parallel structure of the sentence seems to demand the reading of *fatalis* being an instance of divine ordering. Again, this is not true for almost all other occurrences of the term. Take the introductory quote, *Cat.* 4.2: if the gods are identical with *fatum*, how can they save the Romans in their overflowing love from their own will? Much more than being an expression of divine will, Cicero uses *fatum* as an abstract notion, it is not personified, not a deity and neither superior to the gods, nor ever used to describe unavoidable necessity. We rather always find that glimmer of hope that *fatum* can be turned and avoided. The freedom of human action demanded it.

Cicero Talking About Fate

Cicero was a master of the word. He knew how to convince and to deceive. He was, as May puts it, »an orator who was acutely aware of his audience and its traditions.«[47] His arguments and his choice of words where carefully selected to suit his audience, which propelled him to the position of prime orator of the Roman republic and gained him a place among Rome's leading politicians despite the absence of notable military exploits. In adjusting his words and his arguments towards his audience, Cicero is a mirror of his contemporaries, and, despite his singularity, typical of the Romans of the Late Republic. He also, however, clearly voiced his own opinions – or left things unsaid, where they did not fit his persuasion. Cicero's talking of *fatum* is a case in point. While Stoicism was one of the leading schools of his day,[48] and the εἱμαρμένη problem entered Roman thought along with it, Cicero sets his own mark by accepting Stoic teachings were they supplemented his understanding of *religio* and *cultus deorum*, while rejecting others that ran counter to his persuasion. And he does not restrict himself to either philosophy or public oratory, but is consistent in expounding his views.

In employing the term *fatum* or a fate argument, Cicero clearly restricts the rhetorical space in which either is appropriate for him to use. Both clearly belong to the public-political sphere, as that is where they are to be found in Cicero's orations. That restriction is rooted in Cicero's political thought, as he always put the *res publica* before the individual and his ambitions. Therefore, any superior, determining will can only apply to the community *in toto*, to the individual only where the interests of the *res publica* are served, not individual interests. Cases in point are Cicero's speeches as consul against Catiline and the *Philippics*, i.e., speeches, in which there is a clear opponent, a known enemy in Catiline on the one hand, M. Antonius

47 May 2002, 51.
48 *Cf.* Kroll 1963, 245; Sellars 2006, 2.

on the other. And the very reason why *fatum* is divorced from divine will is that in Cicero's understanding and oratory, the gods always seek to preserve and protect the *res publica*. Therefore alleged or real conspiracies, revolutions and insurrections, the very furor of his opponents, can only be explained as the unknowable and inexplicable, it is not ›normal‹ human or divine action, which always takes first place in Cicero's rhetoric.

We find that in the political speeches and in the forensic speeches which have bearing on Rome politically (so that *fatum* and destiny are notions which might be entertained), the thought and the speech of fate or predetermination is always secondary. Free will, independent action and the full responsibility of the human agent come first. The notion of a superior, determining will outside the human individual is subordinated and hardly ever explicitly entertained.[49] While divine will is in some instances understood to be the ordering and benevolent reason, planning and ruling the cosmos, divine decree is never irreversible, never beyond the possibility of being influenced. It is rather understood to be a reaction to human action or lack thereof, so that whatever ill has been done can still be rectified by supplicating the gods and restoring their good will towards mankind, i.e., Romankind.

At a first glance it seems, then, as if the two areas of philosophy and rhetorical use which have been briefly introduced, have no or little common ground. We cannot discern the oratory being influenced by the philosophical consideration of *fatum*, nor a development of the usage and meaning of the term over time.[50] That is in part due to the very low frequency with which the term and the notion of predetermination is used in the Ciceronian oeuvre. Both are always superseded by human action and human responsibility, therefore destiny, in any formulation, cannot be standard stock of this orator. It rather seems as if the use of the term *fatum* provided the speaker with a rather strong argument, which lends pronounced *gravitas* and effect to his speech. In using the term or the notion of fate, he referred matters to a higher authority than human doings, referred to a power that has already decided and arranged what is to be, a fact that remained only to be accepted by the human agent to uphold the peace between gods and men.

That we find the thought of predetermination more often expressed in the *Philippics* than in any other block of speeches of any period in Cicero's career need also not be attributed to his having considered the problem philosophically at roughly the same time. The reasons for it are rather to be sought in the fact that he is dealing with a fixed set of actors, to which he attributes determination in different ways: the hero Brutus, who is born to save the *res publica* by the inversion of an *exemplum*, expressed in his name;[51] Octavian, *deorum immortalium beneficium*, unexpectedly rising to render the republic aid;[52] and Cicero himself, whose *fatum* it is to protect the community against all inner foes. As all of these are referred to throughout the Philippic orations, it is only to be expected that the use of *fatum* and differently expressed destiny increases accordingly, without the terms *fatum* and *fatalis* losing the (negative) connotations they carried in earlier speeches.

Another important consideration is the question of legitimacy: when, if ever, was it appropriate at all to say of a person that they were *meant* to do something? Or rather: who could say

49 Possible exceptions are the speeches *de haruspicum responsis* and *Pro Milone*, which are markedly similar and draw on the same imagery of divine ordering of the cosmos. *Pro Milone* does so in clear reference to Stoic thinking. However, both speeches do uphold the primacy of human will over and against a determining divine will.

50 *Cf.* Begemann 2012, 275f.

51 Cic. *ad Brut.* 22.2 (SB), 23.6 (SB); *Att.* 2.24.3.

52 Cic. *Phil.* 3.34; 5.23. 43; 12.9; 13.18. *Cf. Phil.* 3.32. 36; 4.7. 10.

it of himself? During the Catilinarian conspiracy, Cicero had that authority and legitimacy because he was the acting consul, the highest office of the *res publica*. To claim of himself that he acted *pius* and in accord with divine will, that he acted as instrument of the gods in their plans for saving the *res publica* was no stretch and concurs with Ciceronian thinking. Moreover, his own use of the terms *fatum* and *fatalis* will have been influenced by, if not bound to, what Lentulus said of himself in claiming that the *fata Sibyllinae* predicted his rule, making it necessary and unavoidable. We find the same kind of wording in Sallust's account of the affair,[53] who drew on the minutes Cicero bade able senators take during the discussion in the senate.[54] That both parties, Cicero and Lentulus, claim higher, divine authority to support their opposing positions, throws the question of legitimacy in sharp relief: Cicero had it, Lentulus did not, he was a mere praetor. By pointing to an oracle predicting his rule, he claims that higher, superhuman powers chose him: his *regnum* becomes divinely sanctioned, he lifts his actions beyond the human sphere and beyond human reasons. In drawing on Lentulus' own claims and wording in the third and fourth Catilinarian, and adapting it to his own argumentation (as becomes evident in the fourth oration),[55] Cicero undermines Lentulus' (false) legitimation, as the overthrow of the *status quo* cannot be rooted in the *benevolentia* of the gods. Therefore Lentulus' *fatum* must needs be assigned negative content value, while Jupiter himself watches over the actions of the consul.[56]

This kind of legitimacy is lacking in later speeches, in which Cicero is without office and must try to argue his case or defend his political allies and actions against office holders. Despite this lack, Cicero had great *auctoritas*, with which he now seeks to establish the legitimacy that would come with political office. He does so by tying his argumentation to divine will, claiming that whatever runs counter to the interests of the *res publica* and her traditions, and whoever seeks to establish *dominatio* over the Roman people (born to be free, after all), cannot be and therefore is not sanctioned by divine will.[57] In binding Milo, the Bruti and himself to divine will, he formulates the thought that certain actions were predetermined and certain actors were chosen for what the gods meant them to do. They act *pius*, according to divine will, therefore their acts are always right. By claiming that these actions go beyond the whim of the individual, but always serve the interests and the well-being of the *res publica*, the actors cease to be individuals: they become *exempla* in a long tradition of serving Rome. Milo, Brutus and Cicero himself were chosen and are fated for their lot, because their political understanding is directed towards the traditional forms of Roman politics. They become the chosen instruments of the gods by their own free will, and because they were chosen – and can therefore count on divine aid – they are more than individual actors, they are squarely integrated with the *res publica*. In formulating the thought that a person is chosen to do or to be something – chosen by *fatum*[58] or chosen by the gods[59] – Cicero binds the actors to that superior power which is utterly oriented towards the well-being of the *res publica*. The same applies to the

53 Sall. *Cat.* 47.

54 Vgl. Cic. *Sull.* 41f.

55 Cic. *Cat.* 4.2: *etenim, si P. Lentulus suum nomen inductus a vatibus fatale ad perniciem rei publicae fore putavit, cur ego non laeter meum consulatum ad salutem populi Romani prope fatale exstitisse?*

56 Cic. *Cat.* 3.22.

57 Considering also that Cicero identifies ›divine will‹ and ›the will of the community‹, *cf.* Cic. *p. red. ad Q.* 18. 25.

58 Cicero himself: Cic. *Phil.* 2.1. Brutus: *Phil. passim*.

59 Cic. *Har. resp.* 6; *Mil.* 30.

Mars legion and to Octavian, though their actions are, strictly speaking, far from legal.[60] By pointing out that he and his allies were *chosen* for their lots (by *exemplum* of the name, by description as gift of the gods), Cicero attempts to create legitimacy for actions and courses taken. How much he indeed had to fight for it becomes evident when considering that he repeatedly needed to establish that higher authority in which his friend took action, continuously establishing the connection between divine will and more or less illegal actions taken. It was for the greater good, after all. He meets the accusation that his doings are barely in accord with the laws of the *res publica* anymore by pointing to a higher authority: the law of nature, identical with the will of Jove.[61]

Cicero Thinking About the Gods

The attempt to justify illegal behavior and paint is as necessary and right for the well-being of the political community ties in with the question of how Cicero's rhetoric and his philosophy relate to one another. For Cicero settles both on the same ground, to which he returns time and again in his speeches: the gods are good and they care for the *res publica.* This must be explained with a view to the element of *fatum* and predetermination in the Ciceronian oeuvre, and the changes which result from it in lieu of his thinking about the gods.

Let me, to begin with, underline once again that nowhere in his writings does Cicero assume the future to be predetermined in any way at all. The thought of a necessary, unavoidable outcome is denied throughout, just as any external force acting on, but independent of man, is always denied. With regard to the philosophy, the thought is to be upheld to avoid the conclusion that man is not free in his decisions, and that moral judgment of his actions is not possible. Only as long as his actions are free of an external force acting on him – which is what Cicero understands *fatum* to be – can man be free in his decisions and actions, will he be responsible for them, and is a morally sound community, which he sought to establish in his philosophical literature, at all possible. To his political thought, freedom from *fatum* is an absolute must.

That position is mirrored in the speeches, where, again, the thought of human responsibility for whatever happens is clearly expressed. We find this position not only in the forensic speeches where the argument that Cicero's client was actually meant to do what he did and can therefore not be held guilty, is utterly suppressed. We also find in the corpus of his speeches *in toto* never once the notion that the future is already fixed, that events are fated to happen, which reinforces his rejection of *fatum* as the causal nexus which brings about whatever happens in the philosophy. It is true that Cicero denies uncaused motion on logical grounds,[62] although he does admit chance as being a possible cause,[63] which, as chance, must be understood as uncaused motion.

Things are different with respect to divine will, and it is here that we find the greatest changes in respect to the understanding and nature of the gods that Cicero propagates. For in

60 Mars legion: Cic. *Phil.* 14.32: *vos vero patriae natos iudico, quorum etiam nomen a Marte est, ut idem deus urbem hanc gentibus, vos huic urbi genuisse videat.* – Octavian: Cic. *Phil.* 3.34; 5.23. 43; 12.9; 13.46; 14.25.

61 Cf. Cic. *leg.* 2.10.

62 Cic. *fat.* 47.

63 Cic. *fat.* 19.

both his philosophy and his speeches, Cicero paints the image of divine beings that actively participate in the lives of men, acting with benevolence towards mankind. The will of the gods is always directed towards the community much more than the individual, to its well-being and preservation, and it is because of that that the gods deserve honor and worship. That, however, has consequences with regard to the power of the gods. When Clifford Ando says, »the gods act arbitrarily«,[64] we will find that that is not strictly true in a Ciceronian context. Because he always portrays the gods as being oriented towards the good of the community, citing them *in this context* as determining powers of human lives and events, he restricts the gods in their scope of action. They can only act towards the good of the community, because their will is oriented that way. While human autonomy of action is upheld, divine autonomy takes a distinct hit. The gods only know how to act with benevolence towards mankind, an incalculable element which would enable them to act contrary to the best of the *res publica* (and which men attempted to exclude by recourse to ritual, i.e., the attempt to influence and pacify the gods[65]) is not part of their make-up. Cicero postulates that position as speaker for the academy in *de divinatione*,[66] which is telling. The Academic – both in *de natura deorum* and *de divinatione* – always subjects his topic to stringent use of *ratio*; however, he must also admit that he has no *rational* reasons for believing in the benevolence of the gods and their willingness to communicate with men. But since, as Görler argues,[67] ›desired positions‹ and ›belief‹ mark the highest forms of philosophical discourse in Cicero (something which Cotta also, in *de natura deorum*, and Cicero in the conclusion of the treatise and *de divinatione* sign up for), he propounds an image of the gods which supports the notion of ›good‹ and caring deities that are remarkably similar to the bearing of the (ideal) *optimates*, though they are superior in their eternal blessedness: »These sensibilities are no more than the projection onto the gods of the standards of the Roman social elite[, …] symbolizing, and enacting, their *constantia*.«[68] The only gods to which Cicero would ascribe *inconstantia* are *fortuna*[69] and Mars, where his name is used as synonymous with ›war‹.[70] That is also the very reason why *fortuna*, in Cicero's eyes, can hardly be deemed a deity, although he goes against Roman cult practice there.[71] *Inconstantia* and *temeritas* are no more becoming to a deity[72] than they are becoming to a senator.[73] And just as it is impossible for a deity to act to the detriment of the *res publica*, it is impossible that divine aid should be uncertain, by chance or willful – *fortuna*, however, is just that.

Cicero paints an image, then, in his theological philosophy and in his orations, of a religion in which the gods are subject to the same principles as the *boni*.[74] The well-being of the

64 Ando 2008, 127.
65 *Cf.* Cic. *nat. deor.* 3.89.
66 Cic. *div.* 2.126.
67 Görler 1974.
68 Krostenko 2000, 357.
69 *Cf.* Cic. *div.* 2.18. *nat. deor.* 3.61; *Phil.* 7.9.
70 *Cf.* Cic. *Sest.* 12; *Mil.* 56; *Phil.* 10.20; *fam.* 6.4.1 Kirchner 2007, 185
71 As speaker in the dialogue *de divinatione*, he admits that there is some use in paying homage to certain abstract qualities, such as *virtus, fides, Concordia, honos*, he does not consider them deities, however. He is even more adamant with regard to *fortuna* and such questionable deities as *febris* and *mala fortuna*, *cf.* 3.63; Clark 2007, 21f.
72 Cic. *nat. deor.* 3.61.
73 Cic. *Phil.* 7.9.
74 *Cf.* Krostenko 2000, 360. Also Gildenhard 2011, 250. 385: Cicero provides a vision of the *res publica* which does not describe the *status quo*, although he speaks of it as such.

community is central in that respect, honor and dignity are rewarded accordingly. Willful and reckless behavior, like that of *fortuna*, Catiline, Clodius, or Antonius, *amentes*,[75] cannot be attributed to a divinity. That is why the gods, a portrayed in *har. resp.* 19 or *Mil.* 83 are ordering and administrating entities, but do not determine what is to be to a degree that would leave no further room for human initiative. And in this respect it is also important to take note of the fact that Cicero usually speaks of *di immortales* in the plural, rather than giving a single deity more prominence in his thought world.

It is plausible that the way in which Cicero talked of the gods in the orations made a theoretization of his world view necessary, a task he undertook in the theological triad. If Cicero assumed the gods to be much less wayward and much more calculable than Roman cult practice would have it (sometimes, with respect to *fortuna*, even in clear contradiction to Roman cult practices), he would have to explain what his gods were like. That is not only to be understood on the theoretical level, but is rather to be seen in the context of Cicero's wishful thinking with regard to a community that he glimpsed briefly in the aftermath of the Catilinarian conspiracy, and which he talks of in *pro Sestio*, a community, that was ruled by the *consensus omnium bonorum*, including not only men of all classes, but the gods also: Cicero's gods were better *boni*.

The emphasis in this context is on the word *consensus*. Cicero underlines it by stressing that the initiative to action lies with men and, to a degree, the gods, while being free of force, such as *fatum*, which cannot be assumed as a relevant factor in the course of events. If, however, neither men nor the gods can be subject to *fatum*, the gods, at least, are still bound. Their actions are not entirely free, but are always focussed on the well-being of the *res publica*. That is the only way in which the gods can be maintained as the central element of *religio*, and the only way in which *religio* can be established and put to use as the morally and socially regulating factor within the *res publica*. It is not enough to put down religious laws that address the common, ritualistic level, as Cicero did in the second book of *de legibus*. While that underlines the necessity of *religio* as the regulating power within the community, Cicero notes the problem in the introduction to *de natura deorum*:

> *in specie autem fictae simulationis sicut reliquae virtutes item pietas inesse non potest; cum qua simul sanctitatem et religionem tolli necesse est, quibus sublatis perturbatio vitae sequitur et magna confusio; atque haut scio, an pietate adversus deos sublata fides etiam et societas generis humani et una excellentissuma virtus iustitia tollatur.*
> »Piety however, like the rest of the virtues, cannot exist in mere outward show and pretence; and, with piety, reverence and religion must likewise disappear. And when these are gone, life soon becomes a welter of disorder and confusion; and in all probability the disappearance of loyalty and social union among men as well, and of justice itself, the queen of all the virtues.«[76]

Religious laws must needs be focused, a focus with Cicero finds in the gods. They must be approached with *pietas*, as there is no *religio* in empty show. In difference to *de legibus*, Cicero assumes the pre-existent being of the gods in the theological triad, which results in the necessity of finding the conditions and formulating the rules under which gods and men can interact. While *de legibus* speaks much more strongly of *religio* as a regulating force within the

75 Cic. *Cat.* 1.25; *Sest.* 17; *Phil.* 5.10. 32. 37.
76 Cic. *nat. deor*. I 3f. Tr. Rackham.

political community, *de natura deorum*, *de divinatione* and *de fato* focus more on the interaction between gods and men. Cicero accepts and stresses the existence of the gods, and he confirms their superior power – something that is clearly to be seen when considering that their being and their will to communicate with men is accepted without question in *de divinatione*, even though *rational* proof of their existence was not provided in *de natura deorum*. Cicero positively asserts the existence and benevolence of the gods and their care for the Roman community, finding in them more than a useful tool to keep order within the polity, but guarantors of an eternal and well-ordered cosmos, in which man, nevertheless, must bear the full responsibility for his actions.

In his seminal 1986 article, Malcolm Schofield says, "Cicero is going to town on theology",[77] and he is quite right. The ideal state which Cicero portrayed in his writings and which he hoped to leave behind as his political legacy demanded the best possible laws, on the social as well as the religious level, the best possible relationship between gods and men. It also demanded that both men and gods subject themselves to that ideal. Within such a concept, the gods can only act the way in which Cicero portrays himself to be acting *idealiter*,[78] always concerned about the state of the republic and earning reverence by the very fact that they are entirely focused and dedicated to the community and her traditions and preservation. That means, however, that where Cicero is concerned, we deal with a different kind of polytheism than the one we seem to know. In theory, the need to influence the gods by means of ritual and prayer is much less central than what we assume for Roman religion. One could even go further and say that, for Ciceronian theology, it is superfluous to attempt to influence the gods by ritualistic means, as their will is set and focused on the *res publica* anyway, a focus from which they will not deviate. For not only do they regard the community as a whole, not the individual; their greater knowledge and constant care for the community will also assure that they are always working towards the greater good of the community without need of men to make them aware of the need of, or request for, their aid. The way to worship them is not to attempt to influence them one way or another, but rather solely a form of thanksgiving. That means, however, that in theory at least, the gods would need to earn their social status, with praise and blame, honor and punishment, just as any human actor does. They also would need to accumulate social capital, and they also would need to recommend themselves to the community with whatever assets they might have: by protecting and serving the *res publica*.

Of course, Cicero does not go that far. Even in his idealized *res publica*, traditional ritual plays the same part it has always played, and traditional cults are quite safe from being rejected (again, with the exception of *fortuna*). But the focus has shifted. Divine will goes beyond the individual and is firmly fixed on the community and communal action. Whatever goes beyond that, is deemed ›too much‹ and belongs to the realm of *superstitio* rather than *religio*, because the individual may not rise beyond the community, not socially, not politically, and not religiously.[79]

77 Schofield 1986, 48.

78 Meaning that his ideal did not necessarily meet his actual actions, as is the case with regard to his personal devotion to Minerva (*cf.* Plut. *Cic.* 31.5) and his daughter Tullia, for whom he sought deification after her death.

79 *Cf.* Cic. *nat. deor.* 2.72 with *div.* 1.132, as well as Kragelund 2001, 77.

Cicero Thinking About Man

With Cicero's changed image of the gods come changes in his understanding of divination. If divine will is solely focused on the *res publica*, if *fatum* and any other form of destiny or predetermination can always only apply to the community, never to the individual, every kind of mantic practice that applies to the individual cannot belong to the realm of *religio*, but must be counted among superstitious beliefs. A first clue is given in the speech *de haruspicum responsis*, where Cicero insists that not everyone is fit to interpret the will of the gods, but only those whose lives and bearing enable them to do so, because they meet the community and the gods with true *pietas*.[80] The same thought also underlies Cicero's argumentation against Lentulus, for while Cicero speaks of *fata Sibyllinae* before the people, he ascribes the supposed prophecy before the senate to the *vates*, soothsayers, a group of much lower social standing.[81]

There were of course ample examples for (more or less) private forms of divination. Scipio Africanus was rumored to confer with Jupiter about the state of the republic, Sulla *felix*[82] claimed special adherence to Aphrodite, and Caesar and Pompey vied for the favors of Venus.[83] Cicero well understood the power of controlled access to divine will and information – Marius understood it too, he is said to have been accompanied wherever he went by a Syrian prophetess.[84] Where access to superior or divine knowledge is restricted, whoever has, or can claim, that access has a clear propagandistic advantage over his opponents. Cicero was confronted with the significance of the problem for example by Lentulus' supposed oracle, meant to legitimize wrongful and detrimental actions. Cicero well understood that, and rather than denying the existence of divination outright, he holds that it can only apply to the *res publica* as a whole, and that it is not a means of predicting the future, but only a means of divining whether the gods consent or dissent with proposed human action. He would restrict divination again to yea or nay.[85] Moreover, since divination and any communication of the gods can also only apply to the community, it is really only the magistrates and selected priests who are fit to interpret the signs. Cicero was able to read and understand the *multae et non dubiae deorum immortalium significationes*,[86] because he was consul and it was in that role that he understood the signs, acting on behalf of the *res publica*.

The central problem is, of course, the question of authority. Because Marius, Sulla, Pompey and Caesar claimed that certain signs applied only to themselves, because they claimed closeness to a chosen deity, they circumvented the central institution of the *res publica*, the senate, which normally decided on the acceptance and value of signs and portents; they avoided senatorial control by claiming that control for themselves.[87] It is telling, then, that Cicero mentioned the multiple signs supposedly sent to Caesar and Pompey in *de divinatione*: as they both apply to the individual, and to that individual *only*, they have no bearing on the *res publica*,

80 *Cf.* Gildenhard 2011, 325.
81 Cic. *Cat.* 4.4: *cf. div.* 1.132.
82 *Cf.* Latte 1960, 280; Christ 2002, 206f., also Cicero's reference to the multiple signs Sulla included in his memoirs, Cic. *div.* 1.72.
83 *Cf.* Santangelo 2007 for another interpretation of Venus as the favorite deity of Sulla, Pompey and Caesar.
84 *Cf.* Plut. *Mar.* 17; Val. Max. 1.13.4. S. Gilbert 1973, 106; Kragelund 2001, 89.
85 *Cf.* Cic. *div.* 2.70.
86 Cic. *Cat.* 2.29.
87 *Cf.* Kragelund 2001, 77.

more even, they clearly belong to the realm of ›too much *religio*‹, i.e., *superstitio*. It does not matter that they seem to have been accepted by his contemporaries as genuine, because once again, as in the case of *fortuna*, Cicero has no qualms about rejecting popular forms of cult or belief where they do not fit his theology. Divination that applies to the individual only can have no value, because the gods (in their plurality) care only for the Romans (in their plurality) – the individual must always be subject to the community. Any claim to personal divination can therefore be rejected outright.[88]

Just as divine will can only be accepted and interpreted by those who are truly *pius*,[89] *numen deorum* and divine communication can only apply to the collective in Cicero's world. There is a simple reason: through communication with the divine, authority can be established (or withheld, where communication with the divine obviously fails). In the ideal case scenario, such communication can only be conducted by those who have been chosen by the people to conduct that communication on their behalf, i.e., the magistrates, the priests, and the senate as the congregation of the *boni*. In exactly the same way in which the senate is the central human organ of control, the gods are the central metaphysical organ of control, to which all matter is referred that cannot be decided by human intellect or control: the election of new magistrates, success in war – everything is directed towards the well-being and preservation of the community, to which end the gods deign to share their knowledge with men.

Cicero's vision of religion includes, to speak with Veit Rosenberger, »gezähmte Götter«.[90] His verdict is quite true for Cicero, not so much in view of the control of divinatory means, but in view of their scope of action, which is not as free as one might think, but which, in Cicero's world, can only be focused on one thing: the glory and freedom of the Romans,[91] and the lasting preservation of the *urbs Roma*.[92]

Religio *and* res publica

Considering the element of *fatum* and predetermination in the Ciceronian oeuvre, we find that Cicero stood squarely on the side of the non-determinists. He rejected the notion of fate in his philosophy as well as the public oratory, and had recourse to the thought of election by fate or divine will only in those instances where it served the interests of the *res publica*, never the individual. Ciceronian political thought demanded it – no Sulla, no Caesar, no Antonius was to be greater than the sum of citizens, no Pompey, no Milo, no Octavian was chosen for his own good, but because the gods had decreed Rome to be greater than all other peoples, and rule the world in time and space. How that end came about was entirely up to man, but the gods would help because they wanted it so.

> *rem publicam, Quirites,[…] hodierno die deorum immortalium summo erga vos amore, laboribus, consiliis, periculis meis e flamma atque ferro ac paene ex faucibus fati ereptem et vobis conservatam ac restitutam videtis.*

88 Cic. *div.* 1.132.
89 *Cf.* Cic. *dom.* 1.
90 Rosenberger 1998.
91 Cic. *Phil.* 3.36.
92 Cic. *Phil.* 2.51.

> "You see this day, O Romans, […] by the great love of the immortal gods for you, by my labours and counsels and dangers, snatched from fire and sword, and almost from the very jaws of fate, and preserved and restored to you.."[93]

The consul was vigilant and the gods saved Rome and her citizens. All's well as ends well.

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